

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED - GR
January 30, 2023 2:17 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: KB 1/30

PATRICK DEWAYNE WILSON,
Plaintiff,

Case No.

Hon.

-v-

ANTHONY GWALTNEY,
Defendant,

1:23-cv-114
Phillip J. Green
U.S. Magistrate Judge

CIVIL RIGHTS COMPLAINT
FOR MONETARY DAMAGES

Jurisdiction:

1. This civil rights complaint is brought pursuant to 42 USC § 1983; Eighth Amendment Deliberate Indifference; ADA (42 USC § 12132); Rehabilitation Act (29 USC § 79a), First Amendment Constitution, To remedy the deprivation of Officials, acting under the color of State law; rights secure by the United States Constitution, Federal and States Law; Seeking monetary damages.
2. This court has jurisdiction over this action pursuant to 28 USC §§ 1331 and 134(a).
3. This court has supplement jurisdiction over state law claims, pursuant to 28 USC § 1367(a).

Parties:

4. In support of this civil rights complaint, Plaintiff alleges and complains against Defendant as follows:
5. Plaintiff Patrick D. Wilson (herein after known as "Plaintiff") is a state prisoner under jurisdiction and control of the Michigan Department of Corrections (herein after known as MDOC), at all times relevant to this lawsuit, Plaintiff was confined at the Lakeland Correctional Facility (herein after known as "LCF"), located at 141 First Street, Coldwater, Michigan 49036.
6. Defendant Anthony Gwaltney is an employee of the "MDOC". at all times relevant to this lawsuit, he was employed as a Warehouse Supervisor for the Quartermaster (QMS) at Lakeland Correctional Facility ("LCF"). Located at 141 First Street, Coldwater, Michigan 49036. He is sued in his individual and official capacity.

FACTUAL ALLEGATIONS

7. Plaintiff has a documented medical history of suffering with (CRPS) Complex Regional Pain Syndrome that dates back to August 17, 2020 When Dr. Dennis C. Dafnis, M.D. from the Neurology Center PLC, Inc. located at 23 North Hanchett Street, Coldwater Michigan 49036. When I was diagnosed.
8. Plaintiff also has a documented medical history of suffering with a Thoracic Aortic Aneurysm (i.e. Ascending, Arch, & Descending,) that dates back to 2002. At the University of Michigan.

9. In 2002, Plaintiff was diagnosed with having a Thoracic Aortic Aneurysm at the Ascending Point, while in the custody of the Wayne County Sheriff's Department, waiting to began criminal trial.
10. In 2003, Plaintiff was convicted and sentenced to a prison term of 3½ years in the Michigan Department of Corrections.
11. In 2003, While housed at the Cotton Correctional Facility (JCF), Plaintiff was transported to Foot's Hospital, In Jackson, Mich. To be examined for Surgery by a Heart Cardiologist, In which the Doctor decided it was to Complicated to perform, due to the main Aneurysm at the Ascending Point was unstable, and He elected too sign off on a Medical Parole; And He Recommended Plaintiff to be examined by the Chief Heart Cardiologist, at the University of Michigan Hospital.
12. Due to Plaintiff's Ascending Aneurysm unstable, He suffered two additional Aneurysms, which were at the Arch Point of 2.7cm, and the Descending Point of 3.4cm, Therefore, Dr. Deebs, elected too perform the Surgery.
13. Plaintiff's Ascending Aneurysm Point had grown to 5.3cm, in which the cut off pont are 5.5cm, Resulting in Death.
14. In May 2007, Plaintiff was released from prison and continued to be examined by the U of M Doctor's (Dr. Deebs & Dr. Patel), Who had previously performed a double by-pass heart surgery on the Plaintiff.

15. In 2015, Plaintiff was convicted and sentenced to a prison term of 15 years to 30 years in the Michigan Department of Corrections.
16. Plaintiff, Saw His MP Mrs. Suzanne Groff, On June 8, 2022, And She updated Plaintiff, Medical Detail Special Accommodations, To received a New Pair of the New Balance 928 v 3 Walking Shoes, Due to his old Ones were worn out, with some wholes in them.
17. Plaintiff, Sent a correspondence to Mr. Anthony Gwaltney, On June 11, 2022 asking him why my Approved ACMO Prescription Athletic Shoes hasn't been ordered? And Mr. Anthony Gwaltney, didn't response to my correspondence.
18. Plaintiff, Continued to send Mr. Anthony Gwaltney, Correspondence every month until I heard from him. On September 2, 2022, Mr. Gwaltney, finally broke his Silence, and informed me He had placed my Ordered for my New Balance 928 v 3 Walking Shoes. However, that was a Lie.
19. Plaintiff saw his MP Mrs. Suzanne Groff, On October 5, 2022, And She asked Plaintiff, Why I haven't received my Shoes? Due to it's 5 months and I still haven't received them. And She gave me some encouraging words to file a grievance, due to this causing irreversible damaged to my left ankle, for my Complex Regional Pain Syndrome (CRPS).
20. Plaintiff, Was called out to the Control Center by Mrs. Traore, The Administrator Assistant On October 13, 2022, for filing a Grievance on Mr. Anthony Gwaltney, for not Ordering my ACMO Approved 928 v 3 New Balance Athletic Walking Shoes, However, Mrs. Traore, informed me Once She talked with my MP Mrs. Suzanne Groff, by backing up my Story and She informed Mrs. Traore, She told me to file my grievance.

21. Mrs. J. Traore, informed me that She personally went over to see Mr. A. Gwaltney, To asked him if he Ordered my Shoes? His response was this; He just Ordered them on October 11, 2022.
22. Mrs. J. Traore, Asked me if I wanted to Sign-Off onto my grievance? I said No! Due to this man just lied to me in my correspondence dated September 2, 2022. Mr. A. Gwaltney, has caused me more irreversible damaged to my left ankle causing me intentionally infliction to my disability, and my rehabilitation.
23. Plaintiff, still haven't received his 928 v 3 New Balance Shoes, this is a violation of Pd. 04.06.160; For each Medically items.

[LEGAL CLAIMS]

24. Defendant's acts, omissions, rules, policies, and practices, as set forth in paragraphs 7 through 23, violated Plaintiff's rights under The American's with Disabilities Act (ADA), And Eighth Amendment Clause to the United States Constitution, Federal And States Laws.

First Cause of Action

25. Defendant Gwaltney's actions violated Federal law, by his cruel and unusual punishment to an prisoner, for causing intentional infliction to Plaintiff's disability, as set forth in this complaint.

Second Cause of Action

26. Defendant Gwaltney's actions violated Federal law, by his own discriminatory acts of lying and excluding the Plaintiff from receiving the benefits of Medical ACMO Approved Athletic Shoes, for Plaintiff disability, as set forth in this complaint.

Third Cause of Action

27. Defendant Gwaltney's actions violated Federal law, pursuant to the rehabilitation act of 1973 (29 USC § 794a), as set forth in complaint.

Fourth Cause of Action

28. Defendant Gwaltney's actions violated State law, by his causing Plaintiff Mental and Emotional and Physical distress, as set forth in this complaint.

Fifth Cause of Action

29. Defendant Gwaltney's actions violated State law, by his gross negligence of depriving Plaintiff of his ACMO Approved Athletic Walking Shoes, causing irrevesible damaged to Plaintiff left ankle due to Plaintiff suffer from Complex Regional Pain Syndrome (CRPS) as set forth in this complaint.

RELIEF REQUESTED

Wherefore, Plaintiff request that this court grant the following:

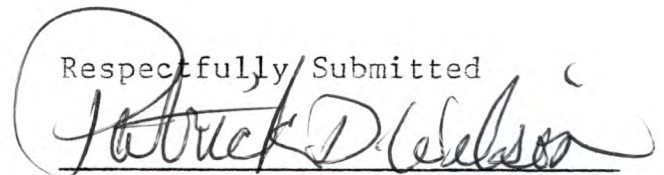
- A) Issue a declaratory judgment that Defendant's acts, omissions, rules, policies, and practices, violated Plaintiff's rights under the United States Constitution, Federal and States laws.
- B) Award Plaintiff Compensatory damages against defendant, in the amount of Two-Thousand Dollars (\$2,000.00), as a result of the deliberate indifference, discrimination, cruel & unusual punishment

mental, and emotional distress, intentional infliction, of gross negligence.

- C) Award Plaintiff punitive damages in the amount of Ten-Thousand Dollars (\$10,000.00), as a result of defendant's reprehensible, malicious and callous conduct.
- D) Grant Plaintiff his cost, expenses and interest on any judgment awarded, including but not limited to reasonable attorney fees.

Date: 1-26- 2023

Respectfully Submitted



Patrick D. Wilson #453216

Plaintiff in Pro Se

Lakeland Corr. Facility

141 First Street

Coldwater, MI 49036

AFFIRMATION

I affirm under penalty of perjury, thyat the above facts are

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICK DEWAYNE WILSON,
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-v-

ANTHONY GWALTNEY,
Defendant,

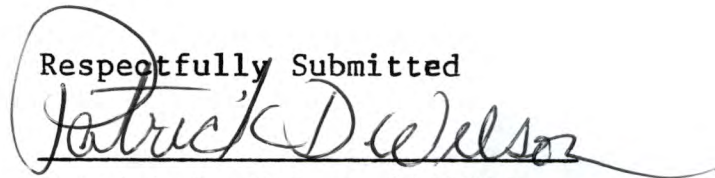
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DEMAND FOR JURY TRIAL

NOW COMES, Plaintiff, Patrick DeWayne Wilson, acting in Pro Se,
demands rights to a trial by jury, pursuant to Fed.R.Civ.P. 38(b).

Date: 1-26-2023

Respectfully Submitted

A handwritten signature in black ink, reading "Patrick D. Wilson", written over a horizontal line.

Patrick D. Wilson #453216

Plaintiff in Pro Se
Lakeland Corr. Facility
141 First Street
Coldwater, MI 49036



US POSTAGE TM PITNEY BOWES



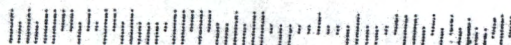
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d, MI 49503



PATRICK D. WILSON # 453216
LAKELAND CORRECTIONAL FACILITY
141 First Street
Coldwater, MI 49036

United States
To: Clerk
399 Federal
110 Michigan
Grand Rapids